

HAND DELIVERED AND CERTIFIED MAIL

George E. Mitchell

June 8, 2008

**Upper Marlboro, Maryland
20772-4303**

**Mr. Jeff S. Jordan
Office of the General Council
Federal Elections Commission
999 E. Street, NW
Washington, DC 20463**

**2008 JUN 16 A 11:58
FEDERAL ELECTIONS
COMMISSION
OFFICE OF GENERAL
COUNSEL**

Re: Response to complaint by Elaine Sawyer MUR #6018

Mr. Jordan,

I am receipt of the above complaint and wish to offer my explanation of the issues. First of all I was never an employee of Sawyer & Associates. Typically, real estate agents are not employees, and I was a 100% agent paying a monthly fee from December 25, 2006 not 2007 as she stated in her complaint. Also I was not terminated from employment, I transferred my real estate license and have been and still am associated with a new brokerage firm. I transferred my license because of certain legal issues Ms' Sawyer revealed she was having at the office. In fact I to have had to sue Ms' Sawyer and her firm for monies still owed to me, approximately \$6,000.00. Although she has refused to accept certified mail service the trial has been set for July 18, 2008. I have requested a re-issue and she will be served by a sheriff and or private processor.

In February of 2007 I decided I would like to help make some changes in our community. I spoke to Ms' Sawyer among other friends and associates prior to my filing to run for congress. She was agreeable and excited about me running and felt I had a good chance to win and she

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would give me all the support I need. I asked her if I could use the office as a campaign headquarters, she was very agreeable to the idea and even indicated it would bring some needed advertisement to the office. We even had our campaign kick-off at the office parking lot, with her blessings. She was the one who acquired permission from the landlord. She is right I was paying a \$1,000 per month for use of the office for real estate. As the campaign progressed I did a lot less real estate and more campaigning. Ms' Sawyer was paid the requested \$1,000.00 per month up and until the time I left in March of 2008, a little over a year. I still owed her approximately \$1500.00 of which that amount was supposed to be subtracted from my last real estate transaction. The transaction amount owed to me was \$7500.00. That is why she still owes me \$6,000. I have not been paid my due amount and is the reason for the civil suit.

As stated earlier as the campaign progressed I was spending less time doing real estate and more time campaigning, volunteers were coming in and out and we were getting a mountain of telephone calls at the office. In fact some volunteers were at the office 10-12 hours per day. We also had weekly scheduled meetings at the office. All with Ms' Sawyer's knowledge and approval. She even had a fundraiser at her house for the campaign. At her request even her attorney was a contributor to the campaign. I was getting plenty of press and interviews from the local TV stations as well as some international press. This was a very interesting election. Everyone wanted to know where I worked. So her original idea that this would bring some needed advertisement to the office was working. As the race progressed and I continued to pay Ms' Sawyer it was my contention that I gave credit to the payment of the \$1,000.00 per month for what it actually was for. The payments on my report were paid by me for my campaign. Reason being at certain times I was doing more campaigning from the office than real estate, actually in some months I was doing no real estate. Ms' Sawyer had no problem accepting the money when it was paid. I did not hear one complaint from her. In fact she was happy and anxious to receive the money. The real estate business has not been the best over the last year. Out of the 12 months I campaigned, as reported I paid \$4500.00 for the campaign to Ms' Sawyer a very modest amount and yes this money was paid to her by me. I hope she is not saying this is not true. In the report I just wanted to report the true nature of this expense.

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The election was on February 12, 2008 and as you know I didn't win. As evidenced by her letter she soon afterwards requested I remove her name from my expense report. I knew some people were upset I didn't win but not that upset. We had a meeting prior to her writing the letter and at that time to my surprise she revealed to me she was under an IRS investigation and also in litigation with her past partner who was suing her for a portion of the business and it would really help her if I removed her name from the report. I was shocked to hear all this and explained to her I didn't know if I could do that, it's up to the FEC not me. You received the money, I can't lie. She even on several occasions repeated to me you know I have a niece who works for the FEC and I really need my name off the report, almost in a threatening manner. At that time I felt I needed to start looking at moving my real estate license. I was shocked at her demeanor and continued harassment to have me remove her name from the expense report. Even now I don't understand the reason why? She was definitely paid the money. I called my analyst at the FEC assigned to my campaign and explained to her the situation, she told me absolutely not. I could not remove Ms' Sawyer's name from the report and that I had told Ms' Sawyer exactly what I should have told her. I could not remove her name off the report without FEC permission and that I shouldn't worry about the fact her niece works for FEC. I sent Ms' Sawyer a letter responding to her request and the reason why she was on the report and the fact that per my analyst at FEC I could not remove her name unless the FEC agreed to it and if she wanted to as she threatened file a complaint with the FEC.

Again, I am confused. Ms' Sawyer was paid the money for the use of the office. She knew some of the money was paid to her by me on behalf of my campaign, solely because I was not doing a lot of real estate, I was doing more campaigning. Is she saying she wasn't paid or she just wants her name off the report because of her ongoing legal issues with IRS and her ex-partner? I wonder if I would have won the election what would have happened. She would probably be ecstatic that her name was on my expense report.

Personally I do not have a problem with her name being removed; this is totally up to you guys. In my desire to report the true nature of the expense I reported what I thought was correct. I could easily with your permission remove her name and just make the entry as a general office

expense. I await your decision and advice of how this should proceed. I have basically closed down my campaign and in the process of filing my last report. Rosalind Mitchell has resigned as treasurer nearly two weeks ago. I would appreciate if any future communication be directed to me. As you can see I feel no action should be taken against my campaign or my treasurer. I accept full responsibility for the report as well as the explanation for this unfortunate complaint filed by Ms' Sawyer. If you desire any more information I may be contacted at []

Thanking you in advance.

Sincerely,

George E. Mitchell

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DISTRICT COURT OF MARYLAND FOR PRINCE GEORGE'S CO
COURTHOUSE, BOURNE WING (V)
UPPER MARLBORO, MD 20772-3042
TELEPHONE NUMBER: (301) 952-4080

0502

Civil Case No.: 0502 - 0014839 - 2008

Complaint No.: 002

To: MITCHELL, GEORGE E

UPPER MARLBORO, MD 20772

Regarding: MITCHELL, GEORGE E
VS.
SAWYER & ASSOCIATES INC

Date: May 15, 2008

The Court received the complaint you filed on May 02, 2008, and has assigned the case number above. A summons has been issued to the defendant.

Trial Date: July 18, 2008 (Pending Service on Defendant)
Session Time: 08:45 AM
Courtroom Number: 161B
Court Location: COURTHOUSE, BOURNE WING
UPPER MARLBORO, MD 20772-3042

You will be notified of the service outcome. You will also be notified if a Notice of Intention to Defend is filed. If you receive any payment toward this claim, you must immediately inform this Court in writing.

Filing fee received: \$30.00
Type of service requested: Certified Mail/Restricted Delivery

Courtroom assignments are subject to change. Check docket board for verification of case location upon arrival to Court.

Visit our website for directions and information about procedures.

Our web address is www.courts.state.md.us/district

To request a foreign language interpreter or a reasonable accommodation under the Americans with Disabilities Act, please contact the court immediately.

TTY users call 1-800-925-9690 or use the Maryland Relay Service at 1-800-735-2258 or 711

Please contact the above Court location for restrictions regarding cameras and cell phones, for they may not be allowed in the courthouse.



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COURTHOUSE, BOURNE WING (V)
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TELEPHONE NUMBER: (301) 952-4080

0502

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UPPER MARLBORO, MD 20772

Regarding: MITCHELL, GEORGE E
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cc's

SENT BY CERTIFIED MAIL:

April 16, 2008

**Elaine Sawyer
7124 Temple Hill Road
Temple Hills, Maryland
20748**

**Re: Response to your letter dated April 15, 2008
Regarding FEC form 3**

Dear Ms' Sawyer:

I am in receipt of your letter regarding FEC form 3 and if you remember the conversation I advised you that during that time period ninety percent or more of my time was spent in the office working on my campaign(with your knowledge and approval). As you also know I sold very little if any real estate during that hectic time. The \$3,000.00 that was paid to you during that period was from my personal contribution to my campaign and reflected the true nature of the bill. It was not necessary for me to advise you where the payment came from. Just like paying for gas or other expenses, normally receivers don't ask where the payment came from. This payment is just like any other expense that I may have paid in the interest of the campaign whether it is for gas, stamps or other payments. The FEC is very aware as per my disclosure that I would donate up to \$25,000.00 towards my campaign. This is strictly an accounting matter for the campaign.

I have spoken to someone at the FEC regarding this matter and although I am under no obligation to do so, in the spirit of cooperation I

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have asked that the name of Sawyer and Associates be removed from the report. Whether or not it will be removed from the report by April 30, 2008 is strictly a matter with the FEC. You may contact them if you like. The bottom line is you were paid the \$3,000.00@ \$1,000 per month for the use of the office.

Upon my exit from Sawyer I had a rent balance of \$500.00 for February 2008 and \$1,000.00 for March, 2008. There was also some other expenses of approximately \$600.00. Although my exit was on March 17, 2008, during our exit conversation we agreed that I would pay for the entire month of March and forego any prorated amount. You agreed that you would subtract those expenses from my settlement of [redacted] (my last settlement). I have most recently received an invoice from network solutions for \$440.00 that you also agreed would be paid from my commission and lastly a small bill for the sign installations. I have yet to receive any accounting of these payments from my settlement of [redacted] and ask that you forward a paid receipt for all bills and accounting of my exit indicating that I owe no money to Sawyer and Associates and any other vendors associated with Sawyer. Also show why the balance due of approximately \$5400.00 has not been forwarded to me and the status of that balance.

Thank You,

George E. Mitchell

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From: _____
Subject: Elaine Sawyer
Date: Saturday, April 5, 2008 7:02am

To: 1
Cc: _____

Mrs Wright, hope you and your husband are fine. Unfortunately this correspondence is not in good favor. I have received an email from Elaine Sawyer stating that she has been advised by you not to pay me my commission for a settled property at _____ At this point the commission was around \$7500.00 and when Ms' Sawyer and I talked prior to me transferring to another Broker we came to an agreement that minus what was owed to her I would be due around \$5800.00. She would pay me upon settlement. I would like to know from you under what part of the agreement do you feel I am not due my commission? I feel Ms' Sawyer has not acted in good faith. She mentions a complaint that was filed against me which has nothing to do with this settlement. Ms' Sawyer has expressed to me on several occasions her shortness of cash and her ability to pay her bills on time. This is true among a lot of Real Estate Brokers this day and age. Consequently, this does not give her the right to just take my commission. Can you imagine working on a case and at the end of the trial your company refuses to pay you? I have asked her to reconsider her answer. You know I respect you and your husband. When we met you seemed to be just a really nice and fair person and I have also seen your husband at several functions. I wish him well on his quest to become the next County Attorney. You two are a perfect couple and I respect your opinion. You know I have stood by Elaine on several occasions not because she was always right but because I considered her to be a friend. For some reason Elaine turned on me like a viper and I really don't know the reason why. Elaine knows full well what happened in the _____ and now wants to blame me for all her issues. This has now become more than just her alienation of another friend. This is not right and Elaine knows it. She has told me about her IRS problems, situations with Mike, her ex partner and other issues she has been involved in. If she needs money I would be the first to help her out if I could but I will not allow her to just take from me. I have requested that she have my check by 5pm Monday 4-7-2008. I really don't want to file actions against Elaine but I will if I have to. She has a lot on her plate. Do she really need \$5800.00 that bad? I am asking you as a mediator and her attorney to have her do the right and moral thing and release my check to me by the stated time. Shawn you are a well respected and fair attorney with a great reputation working for a great firm. I know you can work this out court action. If this goes to court everyone loses and there is always a possibility for her to lose a lot more than \$5800.00. I look forward to your response. Thanks! George E. Mitchell. I may be contacted at _____ My email _____ Thanks again!

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3-17-2009

Elaine, I have cleaned out the office, floor and all drawers. I have also spackled any nail holes in wall. Deleted all my calls and name from voicemail. I have transferred my Maryland license over to my new broker. I need you to send in my DC license so I can initiate the transfer. I will also do the same for my Virginia license. Will you please email me a copy of the response to the Real Estate commission? As per our conversation I will transfer all listings to the new broker. I will be in contact with my clients to let them know about the settlement and that you will be there. Everything is set up with citizen title [redacted] As of today money owed to you is \$1500.00 for February and March rent plus installation of 2 signs with LJS. Estimated total is \$1600.00. the listing commission on the sale is $3.5\% @ \$215,000.00 = 7525.00 - 1600.00 = \5925 to me plus any administration fee which I think is \$399.00. I appreciate everything you have done and I hope everything works out for you. If you need anything, don't hesitate to call [redacted] [redacted] will be seeing with you by Wednesday. The same holds true for her licenses as well. Thanks again and May God Bless YOU! SEE YA @ OUTBACK!

copy of letter
sent to m's lawyer
on my last day
before my transfer

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